

1 "waiting period", mean to you?

2 A Waiting period means that the time it takes for
3 the process application file and obtaining the STA.

4 Q Did you think there was anything more to do after
5 the application was filed other than to wait for it to be
6 granted?

7 A No.

8 Q Okay. Mr. Nourain, I'd like to -- this morning
9 there was a lot of testimony with regard to this faxed
10 document that you received which triggered your
11 understanding that there were unauthorized paths. Is that
12 correct?

13 A That's correct.

14 Q Now, you were pretty definite this morning that
15 you were faxed this -- that you were faxed this information.

16 A It -- I got some internal document. And I -- I
17 think it was faxed.

18 Q I would like to -- to refresh your recollection, I
19 would like to read from your deposition. And from page --

20 MR. BECKNER: Object to the use of the deposition,
21 especially on redirect, Your Honor. I mean, he can't just
22 simply I'd like to refresh your recollection. I mean,
23 that's -- that suggests an answer to the Witness. It's
24 leading the Witness.

25 JUDGE SIPPEL: Well, I assume you're going to ask

1 him to clarify something.

2 MR. BEGLEITER: Yes, that's exactly what I'm going
3 to do.

4 JUDGE SIPPEL: Well, I'll let him do that.

5 MR. BEGLEITER: Okay.

6 BY MR. BEGLEITER:

7 Q This begins at the -- at line 19 -- line 18,
8 excuse me, of page 76.

9 JUDGE SIPPEL: What tab is that at, do you know?

10 MR. BEGLEITER: This is Exhibit 7, Liberty/Bureau.

11 JUDGE SIPPEL: Liberty/Bureau. And your page is
12 what?

13 MR. BEGLEITER: Page 76, line 18. I'm going
14 through reading so Your Honor knows until page 78, line 14.

15 MR. BECKNER: And, Your Honor, I further object
16 that in fact this very passage I've already read to the
17 Witness in my cross examination and he's already had a
18 chance to explain it.

19 JUDGE SIPPEL: Well, then this is really fodder
20 for redirect.

21 MR. BEGLEITER: If you say so, let's do it. Okay.

22 BY MR. BEGLEITER:

23 Q Now -- okay. "Did there come a time when you
24 learned that Liberty had been operating certain facilities
25 without FCC authorization?" Your answer is, "Yes."

1 Question: "And at what point did you learn this?" And your
2 answer: "About April 20 -- end of April '95." Question:
3 "How did you come to learn about this knowledge?" Answer:
4 "If I remember, some of the information came from Time
5 Warner of some of these buildings without authorization."

6 Question: "Was it someone at Liberty that told
7 you that they had heard it from Time Warner or did you have
8 direct contact with Time Warner?" Answer: "No. I just got
9 -- from what I recall, I got something was sent, the list of
10 buildings and they say they were. That's why I found out."
11 "I guess what I'm" -- Question: "I guess what I'm trying --
12 what I'm asking more specifically is, I will try to be
13 clear, did Time Warner send you this -- did Time Warner send
14 this information directly to you?" Answer: "No."

15 Question: "Did somebody at Liberty convey to you
16 that Time Warner had brought up this information?" Answer:
17 "I don't exactly remember who and how. But a document came
18 up to my office internally." Question: "And what did you
19 do at that time?" Answer: "Sorry." Question: "What did
20 you do at that time?" "(Witness confers with counsel.)"
21 Question: "What did you do?" Answer: "I -- after I found
22 that, I was surprised and I called Pepper & Corazzini,
23 called Michael Lehmkuhl. And I asked him obviously what is
24 the story."

25 "But you don't" -- Question: "But you don't

1 recall who at Liberty brought it to your attention?"

2 Answer: "I don't recall. But I would say that most of the
3 information they had been sent because headquarters in 575
4 Madison. And I know it didn't come to my office. And I am
5 assuming just came by mail. It was FCC-related."

6 Now, I'm going to ask you again, did you mean when
7 you testified here that the document came by -- by some sort
8 of mail system or by a fax system?

9 A What I said there, it seems to be a mail system.

10 Q Okay.

11 JUDGE SIPPEL: Well, it says -- it only says most
12 of the information. It does not -- it certainly does not
13 rule out what his testimony was here today.

14 MR. BEGLEITER: Right. But -- but -- that's
15 correct, Your Honor.

16 BY MR. BEGLEITER:

17 Q Is it your testimony now that some of the
18 information that triggered your -- your understanding that
19 Liberty had unauthorized paths came through the mail?

20 A That's -- if that's what I said, yes.

21 Q Now -- and also it was FCC-related?

22 A Correct. I knew it was FCC-related.

23 Q Now, Mr. Nourain, I'd like to show you what has
24 been marked Time Warner/Cablevision 36.

25 A Oh, yes. Yes. Go ahead.

1 MR. BEGLEITER: Okay. Now, just -- I don't want
2 to create unexpected -- I don't want to create expectations,
3 Your Honor. I'm asking -- give me a moment and I'll ask
4 some questions and I think it will just become clear.

5 BY MR. BEGLEITER:

6 Q How did you get this document?

7 A That came to me -- most of these documents come to
8 me by mail from the FCC. It's addressed to me and they come
9 by mail.

10 Q Right. And is the document -- is the information
11 in the first paragraph of this document the -- of the type
12 of information that triggered your understanding that there
13 were unauthorized paths for Liberty's transmissions?

14 A Yes, that's true. I also said that this morning
15 after Mr. Beckner asked me the same question. I said that
16 could be the type of document that triggers because it just
17 says that there's a petition to deny.

18 Q But sitting here today, you don't know whether
19 this is the document that actually triggered your -- your
20 understanding?

21 A Right this minute I don't remember. I just want
22 to make sure that I am. But that could be the document you
23 could -- you could use all of those, yes.

24 MR. BEGLEITER: I'm stopping. That was my last
25 question, Your Honor, on this document.

1 JUDGE SIPPEL: I'm sorry. You --

2 MR. BEGLEITER: On this document I'm completed.

3 JUDGE SIPPEL: On this document you're finished,
4 all right.

5 MR. BEGLEITER: Okay?

6 BY MR. BEGLEITER:

7 Q I'd like you to turn to Document 34 -- Time
8 Warner/Cablevision Document Number 34, I believe the very
9 last document in the chart -- in the -- in the binder.

10 A Yes, I have it.

11 Q Okay. Now, the last two pages of that document is
12 a chart, is it not?

13 A Yes.

14 Q Okay.

15 A That's correct.

16 Q I just want to make it plain. In this chart are a
17 number of buildings, a number of paths that are granted, is
18 that correct?

19 A Yes.

20 Q Okay. And there's a number of paths that are
21 hardwire backups. Can you explain to the Judge what a
22 hardwire backup path is?

23 A Those are the paths that you already have
24 activating it by microwave on one building. And they are
25 within the same block. And they would hardwire from that

1 building continued to another building within the same
2 block.

3 Q Okay. Those -- those I block, those hardwire
4 buildings were not prematurely activated, were they?

5 A No.

6 Q And that was because -- was because you weren't
7 activating them at all --

8 MR. HOLT: Objection. Leading.

9 MR. BEGLEITER: Okay. You're correct.

10 JUDGE SIPPEL: Okay. Well, I'll sustain the
11 objection.

12 BY MR. BEGLEITER:

13 Q That was -- what was the reason that those
14 buildings were not activated by a microwave?

15 A Because on my first affidavit which I guess was on
16 -- I have to refer to that item, February with Mr.
17 McNaughton, that was the discussion we had over all these
18 paths which I filed. And he said that there was a petition
19 on them. So as such, that none of those were ever
20 activated.

21 Q How were the hardwired backup buildings served by
22 Liberty?

23 A They were served by the cable from one building
24 which was the microwave system on it to the next building,
25 or to the other building.

1 Q Okay. And are those buildings -- some of those
2 buildings also on this -- on these two sheets?

3 A Yes.

4 Q Okay. And on the sheets also are buildings that
5 you now know were prematurely activated. Is that --

6 A That's correct.

7 Q Okay. Is it clear to you, Mr. Nourain, sitting
8 here today that you had no knowledge of the premature
9 activations prior to the week of April 24th, 1995?

10 A Yes.

11 Q Do you have any reason to believe that anyone else
12 at Liberty had knowledge of the premature activations before
13 the week of April 24th, 1995?

14 A No reason.

15 Q I forgot to ask one more question. Does anything
16 in the April 28th, 1995 memo or the -- or the accompanying
17 charts indicate that they were -- that these buildings were
18 already activated? Any buildings already activated?

19 A Could you repeat the question, please?

20 Q I'm going to the April 28th memo from Mr. Lehmkuhl
21 to yourself and Mr. Price.

22 A Yes.

23 Q Is there anything in the -- anything in the charts
24 or in the -- or in the memo which indicates that any of
25 these buildings have been prematurely activated?

1 A No, not that chart.

2 Q Okay. But is it -- is it -- were the buildings in
3 your chart of April 26 which is Cablevision -- Time
4 Warner/Cablevision Exhibit 35, were those buildings are
5 prematurely activated?

6 A Okay. Exhibit 35? I'm getting it.

7 JUDGE SIPPEL: That's your memo.

8 THE WITNESS: This one.

9 JUDGE SIPPEL: That's your memo of April 26th.

10 THE WITNESS: Yes.

11 BY MR. BEGLEITER:

12 Q Okay. ON the day that you wrote this, were you
13 under the impression that the --

14 MR. HOLT: Objection. Leading.

15 MR. BEGLEITER: It doesn't -- I'm not suggesting
16 an answer. I said were you under the impression. That
17 doesn't suggest an answer. That's not a leading question.

18 MR. HOLT: That's a leading question, Your Honor.

19 JUDGE SIPPEL: That's a leading question.

20 MR. BEGLEITER: What?

21 JUDGE SIPPEL: Whatever you say, it's a leading
22 question after this.

23 MR. BEGLEITER: Can I finish the question?

24 MR. HOLT: What they --

25 JUDGE SIPPEL: You can ask him did he form an

1 impression.

2 MR. BEGLEITER: I'm not asking a question that
3 suggests a yes or no answer, Your Honor. I'm asking -- I
4 was going to ask him was it --

5 MR. HOLT: I'd prefer. Mr. Begleiter --

6 MR. BEGLEITER: -- understanding that --

7 MR. HOLT: Your Honor, I object to the -- to
8 counsel stating the question in this form in front of the
9 Witness. It's a leading question. What if any impression
10 or did he form an impression. But the way he's phrasing it
11 is leading and I'd prefer he not state it in front of the
12 Witness.

13 MR. BEGLEITER: It's not a leading question,
14 Judge. A leading question suggests -- a leading question
15 is, well, is it true that or is it fair that -- one that
16 suggests a yes or no answer. I'm not suggesting the answer.

17 JUDGE SIPPEL: Well, if you're going to state --
18 if you're going to state what the impression was for him and
19 ask him if he had one, I mean, that's kind of leading.

20 MR. HOLT: And it assumes facts without -- and
21 it's lack of foundation. It doesn't -- he's assuming that
22 there was an impression.

23 MR. BEGLEITER: I haven't finished the question.

24 JUDGE SIPPEL: He hasn't finished the question.

25 Yes. Well, finish your question and then let's see if

1 there's an objection.

2 MR. BEGLEITER: Let me ask you this.

3 MR. HOLT: I think -- Your Honor, if I may
4 interject, it's going to tell the Witness where he's going
5 with the question.

6 MR. BEGLEITER: No, it's not.

7 JUDGE SIPPEL: Leading questions have a tendency
8 to do that.

9 MR. BEGLEITER: Yes, but it wasn't a leading
10 question.

11 MR. HOLT: That's the objection.

12 JUDGE SIPPEL: Well, you don't give much weight to
13 -- well, go ahead. Go ahead.

14 MR. BEGLEITER: I'll ask it --

15 JUDGE SIPPEL: State --

16 MR. BEGLEITER: I'll ask it this way.

17 BY MR. BEGLEITER:

18 Q Did you have an understanding on April 26th, 1995
19 as to why these buildings were prematurely activated?

20 A Yes.

21 Q And what was that understanding?

22 A No STA was applied by Pepper & Corazzini.

23 Q Okay.

24 A Or filed and so.

25 Q Did you attempt to hide this fact from anybody?

1 A No.

2 MR. BEGLEITER: Your Honor, I may be finished. I
3 point that Mr. Beckner made this morning.

4 BY MR. BEGLEITER:

5 Q Do you -- a number of these -- a number of the
6 prematurely activated buildings were of transmitter sites,
7 is that correct -- is that correct?

8 A Yes.

9 Q Okay. And were there licenses posted at those --
10 at those transmitter sites when you turned the transmitters
11 on?

12 A No.

13 Q Okay. Did you believe that that was a problem for
14 you?

15 A No.

16 Q Why didn't you believe that was a problem?

17 A I thought I had an STA already authorized -- an
18 authorization by filing the STA for those.

19 Q The same reasons you had for the receivers.

20 A That's correct.

21 Q And do you believe an STA had to be posted?

22 A Nobody told me to post an STA at any time.

23 Q Okay. Now, with regard to -- there was a -- there
24 was a certain cost attendant to installing a microwave
25 antenna on a rooftop?

1 A That's correct.

2 Q And tell me, what was the cost attendant to that
3 approximately?

4 A Over -- around \$30,000.00, \$31,000.00.

5 Q Of that \$30,000.00, how much of that was -- was --
6 did equipment represent?

7 A Equipment, about \$19,000.00, \$20,000.00.

8 Q Okay. And if -- if equipment -- could equipment
9 be used in -- on -- was the same equipment generally being
10 used on different rooftops?

11 A Yes.

12 Q So if you didn't use the equipment on one rooftop,
13 could you move it to another rooftop?

14 A Yes.

15 MR. BEGLEITER: I'm finished, Your Honor.

16 JUDGE SIPPEL: Mr. Beckner?

17 MR. BECKNER: I just have a couple of questions.

18 RECROSS EXAMINATION

19 BY MR. BECKNER:

20 Q Mr. Nourain --

21 A Yes.

22 Q -- I'm going to read to you some other testimony
23 from your deposition of May 29, 1996 and ask you if you
24 recall the testimony.

25 JUDGE SIPPEL: Is this on the same subject?

1 MR. BECKNER: This is on the same subject that was
2 raised by Mr. Begleiter in his redirect.

3 JUDGE SIPPEL: Well, he left off at --

4 MR. BECKNER: Page 76 or something like that.

5 JUDGE SIPPEL: Page 78.

6 MR. BECKNER: Yes, where I am, Your Honor, is page
7 229 of the same transcript, that's Liberty/Bureau Exhibit 7,
8 the May 29, 1996 deposition of Mr. Nourain.

9 JUDGE SIPPEL: And you're all the way now at page
10 229?

11 MR. BECKNER: Yes, sir. Can I go ahead, Your
12 Honor?

13 JUDGE SIPPEL: No, no. Wait just a minute. Let
14 me take a look at what you're doing here. That's the one
15 where Mr. Begleiter objects to being asked and answered or
16 is that what comes --

17 MR. BECKNER: Yes. Yes, Your Honor, that's
18 correct.

19 JUDGE SIPPEL: Well, this is going to open up that
20 whole area again that we just got in to.

21 MR. BECKNER: Well, I just -- the Witness seems to
22 go back and forth on this question of how it was that he got
23 what we call I think the trigger document.

24 JUDGE SIPPEL: Look, I -- I'm satisfied -- what
25 Mr. Begleiter did is he really just satisfied the section

1 that you had asked him -- that you had read into the record
2 on his cross examination. Mr. Begleiter just finished that
3 section. That's all he did. And he hasn't changed this
4 Witness' testimony as far as I'm concerned.

5 So I don't know -- I would have no idea where
6 you're going with this because this question that you're
7 looking at -- or page 229 of the deposition starts right
8 opening up that same line of questioning all over again.
9 And we've already covered that more than once today.

10 MR. BECKNER: Well, I think I'm entitled -- you
11 know, if the -- the Witness I believe testified in response
12 to Mr. Begleiter's redirect that maybe he didn't get this
13 trigger document in the fax or maybe he didn't get all of it
14 in the fax. That's what I thought I heard him say. I
15 thought that was the whole point of Mr. Begleiter's
16 testimony, was to try to suggest --

17 MR. BEGLEITER: I didn't testify.

18 MR. BECKNER: -- I mean, Mr. Begleiter's
19 examination was to suggest that perhaps it hadn't come in a
20 fax.

21 JUDGE SIPPEL: All Mr. Begleiter did was read from
22 the same section that you had read to this Witness. That's
23 all he did. And then he asked him about the documents. And
24 as far as I'm concerned, he hasn't changed the original
25 story that this Witness told us today.

1 MR. BECKNER: All right. Fine.

2 JUDGE SIPPEL: And we're still going to be looking
3 for the trigger document. That request has not been pulled
4 because of any testimony on redirect.

5 MR. BECKNER: All right. That's all I had.

6 JUDGE SIPPEL: Mr. Holt?

7 MR. HOLT: I've got a couple of things quickly,
8 Your Honor, if I may.

9 JUDGE SIPPEL: If it's new -- yes, if it's
10 something new that came out on redirect.

11 MR. HOLT: Yes, it is.

12 BY MR. HOLT:

13 Q Mr. Nourain, during your response to a question
14 that was posed by Mr. Begleiter just a moment ago, you made
15 reference to a Mr. Naughton, is that correct, or Ms.
16 Naughton?

17 A Mr. McNaughton.

18 Q Who is he?

19 A He's another attorney who works for Liberty Cable,
20 or worked at the time.

21 Q Is he an in-house or outside attorney?

22 A No. I don't know if he's in-house. What do you
23 mean by in-house?

24 Q Does he work for Liberty as a -- on a day-to-day
25 basis or does he serve as somebody like Pepper & Corazzini

1 who is -- or who is outside the offices?

2 A That question is for the people who hired him. I
3 never saw him at our office.

4 Q You spoke to him at some point.

5 A I only spoke to him with regard to this -- that
6 particular affidavit.

7 Q Did he assist you in preparing the affidavit?

8 A Yes.

9 MR. BEGLEITER: He already testified to that, Your
10 Honor, in Mr. Beckner's questions.

11 MR. HOLT: I don't recall Mr. McNaughton's name
12 coming up --

13 JUDGE SIPPEL: Well, the name came up once. And
14 he's just explained to you what his knowledge is of Mr.
15 McNaughton.

16 MR. HOLT: Okay.

17 BY MR. HOLT:

18 Q During this conversation that you -- did you have
19 a series of conversations with Mr. McNaughton or one?

20 A That was only one that he talked to me to prepare
21 that affidavit.

22 Q Okay. And during that conversation, he never
23 indicated to you that Time Warner had filed petitions to
24 deny against a number of different applications that were
25 pending at the FCC that did not involve hardwire

1 connections?

2 A We never talked about anything but the hardwire
3 connection building at that particular affidavit because
4 that's what the subject was.

5 Q With reference to Exhibit 34 -- Time
6 Warner/Cablevision Exhibit 34 which is the April 28th memo
7 --

8 A Yes, I have it in front of me.

9 Q Mr. Begleiter asked you whether there's anything
10 in the memo or the attached document which indicated that
11 the paths were operational.

12 A Yes.

13 Q You already understood at the time of this memo
14 that a number of the paths listed were already in operation
15 without authorization, correct?

16 A Of course.

17 Q So you didn't need that fact to be disclosed to
18 you in this memorandum, did you?

19 A That fact never -- that fact wasn't disclosed in
20 this memorandum.

21 Q It was -- and at the time of this memorandum,
22 April 28th, 1995, is it -- was it your understanding that
23 Mr. Lehmkuhl was aware that certain paths had been activated
24 with FCC authorization?

25 A I never said that. I didn't recall. I don't

1 recall that he knew that or not. All I told him is that I -
2 - was it STA. He said no and I told him apply for STA.

3 Q You never discussed with him --

4 MR. BEGLEITER: Your Honor, this was testified to
5 this morning --

6 JUDGE SIPPEL: Well, let him finish this question.

7 MR. BEGLEITER: Okay.

8 BY MR. HOLT:

9 Q You never discussed with him the fact that prior
10 to this memo -- the fact that paths had been put into
11 operation without FCC authorization?

12 A I never discussed with him on authorization. I
13 asked -- again, I told him to apply for the STA for this
14 path. That wasn't only on --

15 JUDGE SIPPEL: All right. That's -- you've
16 answered. That's it.

17 MR. BEGLEITER: But this has been testified to now
18 both on direct and on cross examination by Mr. Beckner.

19 JUDGE SIPPEL: Right.

20 MR. BEGLEITER: I mean, this is --

21 JUDGE SIPPEL: Let's -- go ahead. Let's keeping
22 going. Go ahead.

23 BY MR. HOLT:

24 Q Mr. Nourain, did you have any -- there are a
25 certain number of STA requests that were filed on May 4th,

1 1995, correct?

2 JUDGE SIPPEL: Well, now, wait a minute. Now,
3 this is getting way beyond -- this is getting way beyond
4 what we covered on redirect.

5 MR. HOLT: Mr. Begleiter asked the Witness whether
6 he had any understanding as of April 26th as why buildings
7 had been prematurely activated. The Witness said yes. He
8 said why. He said because no STAs had been filed.

9 MR. BEGLEITER: Right.

10 MR. HOLT: And I'm following up on that.

11 JUDGE SIPPEL: Well, that goes right back to where
12 we started a day and a half ago. We've been down this road.
13 This is it.

14 BY MR. HOLT:

15 Q You testified that approximately \$20,000.00 of the
16 \$30,000.00 cost of activating one of these paths was taken
17 up by equipment.

18 MR. BEGLEITER: Objection. He didn't say
19 activated. He said constructed and installing.

20 JUDGE SIPPEL: Do you want to rephrase that?

21 BY MR. HOLT:

22 Q Of constructing the paths was taken up by
23 equipment, is that correct?

24 A That's correct.

25 Q When -- when you provide that estimate, are you

1 including the actual cost of constructing the facility at a
2 certain location or the value of the equipment itself?

3 JUDGE SIPPEL: He already answered that question.
4 That specific question was asked of this Witness by Mr.
5 Begleiter.

6 MR. HOLT: Well, I had understood that he spoke
7 specifically of the equipment. I'm wanting to know whether
8 he factored in the cost of constructing, as well.

9 JUDGE SIPPEL: He asked specifically -- I mean, I
10 remember hearing the question. It was specifically asking
11 about the equipment and whether the equipment then could be
12 moved from building to building.

13 MR. HOLT: Right. And I want to --

14 JUDGE SIPPEL: That's all.

15 MR. HOLT: Right. He asked that question. And
16 I'm seeking to clarify with the Witness whether his estimate
17 contemplated cost of construction and labor costs.

18 JUDGE SIPPEL: The question was asked -- the
19 question was not asked whether or not it was construction or
20 whether it was -- it was a very clear question. It was a
21 very clear answer. There's nothing confusing about it. So
22 you want to move into -- that -- the question has been asked
23 and answered.

24 BY MR. HOLT:

25 Q Mr. Nourain, that leaves an approximate difference

1 of \$10,000.00. Can you explain to me what is -- what was --
2 does that differential represent?

3 JUDGE SIPPEL: That subject has been covered
4 before in questions from myself yesterday. And that's not
5 the question that was asked on redirect. You're taking the
6 redirect and you're trying to expand it. And that's not
7 permitted.

8 BY MR. HOLT:

9 Q Mr. Nourain, with respect to your April 26th memo
10 where you listed the paths -- you have a memo to Mr.
11 Milstein. Do you recall -- do you recall whether your
12 conversation with Mr. Lehmkuhl occurred on the same day that
13 you created that memo?

14 MR. BEGLEITER: Your Honor, this has been asked
15 and answered.

16 MR. HOLT: But, Your Honor --

17 JUDGE SIPPEL: I am not going to permit this.
18 This has been gone over so extensively by so many people
19 today, that this is just not -- this is not worthwhile.

20 MR. HOLT: Your Honor, I have nothing further for
21 this Witness.

22 JUDGE SIPPEL: All right. That's it. You're
23 still warned, you're not to talk about your testimony to
24 anybody until -- the substance of your testimony until
25 counsel let's you know it's okay. We are in recess until

1 9:30 tomorrow morning. It will be Mr Lehmkuhl.

2 MR. BEGLEITER: Yes.

3 JUDGE SIPPEL: And those -- those two affidavits
4 at some point from the testimony should be marked and put
5 into the record as evidence.

6 MR. BEGLEITER: They will, Your Honor. And I just
7 want to in open court remind Mr. Nourain that he's to look
8 for two documents. One is the document that triggered your
9 knowledge of -- that triggered the knowledge that there was
10 unauthorized transmission which you testified you received
11 in late April of 1995. And secondly, whatever document
12 which may contain a list from COMSEARCH of the designator
13 emitter problem paths. Okay? And as soon as you get them,
14 I'd appreciate it if you would fax them to Wiley, Rein.
15 We'll make sure you have the --

16 THE WITNESS: To who?

17 MR. BEGLEITER: To the office you were in before,
18 Wiley, Rein & Fielding.

19 THE WITNESS: Okay.

20 MR. BEGLEITER: And they will get it over here.
21 Or can we fax it over to your office, Your Honor? I don't -
22 -

23 JUDGE SIPPEL: If they're not too voluminous, they
24 can be faxed right to my office. But I would prefer that
25 you go to Mr. Pettit's firm if that's possible.

1 MR. BEGLEITER: Okay.

2 JUDGE SIPPEL: We're off the record until

3 tomorrow. Thank you.

4 (Whereupon, at 5:39 p.m. on Tuesday, January 14,

5 1997, the hearing adjourned to reconvene at 9:30 a.m. on

6 Wednesday, January 15, 1997.)

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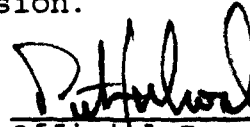
REPORTER'S CERTIFICATE

FCC DOCKET NO.: 96-41
CASE TITLE: Liberty Cable
HEARING DATE: January 14, 1997
LOCATION: Washington, D. C.

I hereby certify that the proceedings and evidence are contained fully and accurately on the tapes and notes reported by me at the hearing in the above case before the Federal Communications Commission.

Date:

1-14-97



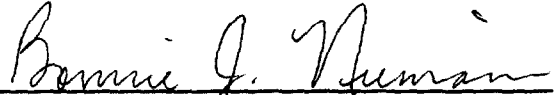
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I hereby certify that the proceedings and evidence were fully and accurately transcribed from the tapes and notes provided by the above named reporter in the above case before the Federal Communications Commission.

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I hereby certify that the transcript of the proceedings and evidence in the above referenced case that was held before the Federal Communications Commission was proofread on the date specified below.

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